

Claim Rejections -- 35 U.S.C. 112, paragraph

Claims 1-11 were rejected as indefinite.

Claim 1 was rejected because of "vertical" in line 1. The word "vertical" is absent in the pending claims.

Claim 2 was rejected because of "aperture". Claims 12-18 do not recite "aperture".

Claim 5 was rejected because "base" has no antecedent basis. Applicants believe that provided proper antecedent basis has been provided in claims 12-18.

Claim 6 was rejected because the Examiner asserted that there was no teaching of how to make the bearing zones of the first holding means having ridges. Since the claims now do not recite ridges in the bearing zones, withdrawal of the rejection is requested. Applicants respectfully submit that, with the disclosure, one skilled in the art would know how to make the bearing zones recited in claims 12-18.

Claim 6 was rejected because the Examiner asserted that there was no teaching of how to make the first holding means having ridges and a concave surface. Since "ridges" and "concave surface" are no longer in the claims pending, withdrawal of the rejection is requested.

Claim Rejections -- 35 U.S.C. §102

Claims 1-4 and 6-11 were rejected as anticipated by Liptak (US 4,125,243), Burgess (US 774,036), Heysinger (US 327,44), Godoll (US 1,386,469), or Winter (US 4,712,760). Applicants respectfully traverse.

A. Liptak discloses a first holding element being concave, a second holding element being convex, and a space between the first and second holding element. According to

Fig. 4 and 5 of Liptak, a paper sheet is introduced into the space vertically and is kept vertical after having been inserted. Furthermore, according to column 3, lines 13-19, Liptak teaches that the side surfaces of the first and second holding elements are forced apart slightly when the sign card is inserted into the space and an opposite force makes them firmly grip the sign card.

The claimed device differs from Liptak's device at least in that,

(1) in the claimed device, both the first and second holding element are tilted backwards,

(2) in the claimed device, the first and second holding elements are arranged in a way to allow two lines of force to be created towards the upper angles of the paper sheet to be inserted, and

(3) the first and second holding elements are arranged in a way such that the device allows the paper sheet to be inserted to obtain a backward tilt ranging from 45° to 85°.

Because Liptak does not teach every limitation of claims 12-19, these claims are not anticipated by Liptak.

B. Burgess concerns a newspaper clip or holder designed for retaining letters, newspapers, etc. The clip or holder may consist of one or more grips, according to the number of paper articles to be held. Said grips may be of different capacity, but shall be of integral formation. The strip or block forming the body of the clip or holder is cut to provide spring-jaws, the space separating each of the jaws from the body or main portion of the strip or block being tortuous. Below the outward curves of the upward ends of said

jaws, the space is widened between them to accommodate any bulge in the articles to be held therein.

Burgess fails to anticipate claims 12-18 because claims 12-18 differ from Burgess in at least the three ways as discussed above for Liptak.

C. Heysinger concerns an upright paper-clip and more specifically a spring clip for holding papers. If desired, the angle at which the papers are held may be varied. The spring clip comprises two uprights designed for holding in between a paper and the like. The rear upright extends above the point where it is impinged upon by the front upright, to support the papers and prevent them from tipping backward upon the lip of the rear upright as a pivot. Optionally, the paper-clip can be provided with a detachable board which in turn is provided at its upper part with a clip or adjustable spring-band, so that when the board is inserted, the papers are held from dropping out sidewise.

The claimed device differs from Heysinger at least in that

(1) the claimed device's first and second holding elements, which correspond to the uprights of Heysinger's device, are arranged such that, as seen in a lateral projection, a protruding section of the second holding element and the bearing zones of the first holding element overlap each other partially to enable a curvature to be conferred gradually upon the paper sheet to be inserted, and

(2) in the claimed device, the space between the first and second holding elements narrows, as seen in a lateral projection, to a greater extent near the top than near the base of the space, and

(3) in the claimed device, the first and second holding elements are arranged in a

way such that two lines of force would be created towards the upper angles of the paper sheet to be inserted in order to rigidify the paper sheet.

Because Heysinger does not teach every limitation of the claims, claims 12-18 are not anticipated by Heysinger.

D. According to the Office Action, Godoll (US 1,386,469) discloses a device comprising four holding means. Godoll was not cited in PTO-892 or PTO-1449 and was not attached to the Office Action. Based on the Office Action's description of the teachings of Godoll as merely teaching a device having four holding means, applicants submit that Godoll does not teach every limitation of claims 12-18 (e.g. the special relationship between the first and second holding elements recited in these claims), so Godoll fails to anticipate claims 12-18.

E. Winter relates to a book rest for supporting books or magazines in an opened position to facilitate the use thereof by persons seated at a desk. The book rest includes a base from which a prop structure extends. The prop structure is tilted backwards and is configured to define an angle which opens toward the front of the base. The base and the prop structure cooperate to support the book or magazine in a propped up position against the front surface of the prop structure. A pair of hook-like devices are associated with the prop structure to releasably hold the pages in a desired opened position.

The claimed device differs from Winter's device at least in that

(1) in the claimed device, the first and second holding elements are formed in a way to allow two lines of force to be created towards the upper angles of the paper sheet to be

inserted in order to rigidify the paper sheet, and

(2) the claimed device allows the paper sheet, after insertion, to be held without any auxiliary devices, but Winter's book rest uses hook-like devices to hold the books.

Since Winter does not teach every limitation of the claimed invention, claims 12-18 are not anticipated by Winter.

Applicants submit that there would have been no suggestion in the prior art to modify the devices of Liptak, Burgess, Heysinger, Godoll or Winter to arrive at the claimed device. Thus, claims 12-18 would not have been obvious over Liptak, Burgess, Heysinger, Godoll or Winter.

Conclusion

With the above amendments and reasoning, applicants respectfully submit that the application is in a condition for allowance.

If this response is not timely filed, applicants hereby petition the Commissioner for an appropriate extension of time. In the event any fees are required in relation to the filing of this paper, please charge our Deposit Account No. 14-1060.

Respectfully submitted,
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